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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,021	12/13/2001	Yukiyasu Fukami	NAK1-BQ58	2418
21611 7590 02/15/2008 SNELL & WILMER LLP (OC) 600 ANTON BOULEVARD SUITE 1400 COSTA MESA, CA 92626				
EXAMINER PYZOCHA, MICHAEL J				
ART UNIT 2137		PAPER NUMBER		
MAIL DATE 02/15/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/023,021

**Applicant(s)**

FUKAMI ET AL.

**Examiner**

MICHAEL PYZOCHA

**Art Unit**

2137

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21, 26-29 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14, 26, 27, 31, 32 and 35 is/are allowed.
- 6) ☒ Claim(s) 15-21, 28, 29, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-21, 26-29, and 31-35 are pending.
2. Amendment filed 12/26/2007 has been received and considered.

***Claim Rejections - 35 USC § 112***

3. The rejection under the second paragraph of 35 U.S.C. 112 has been withdrawn based on the filed amendment.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-21, 28, 29, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukahara et al. (US 6920222) in view of Tehranchi (US 7242772).

As per claims 15, 17, 28, 29, 33, and 34 Tsukahara et al. discloses acquisition means for acquiring content to be scrambled and a plurality of descrambling keys (see column 6

lines 9-17); scramble processing means that selects one of the descrambling keys for each portion of the content, and scrambles the each portion so that the portion can be descrambled by using the descrambling key selected for the portion (see column 6 lines 17-23); attaching means for attaching auxiliary information, which is used to generate a list of descrambling keys, wherein the auxiliary information includes each of the descrambling keys selected for the portion (see column 6 lines 9-33); broadcast means for broadcasting the scrambled content including the plurality of scrambled frames to which the auxiliary information has been attached (see column 6 lines 34-47).

Tsukahara et al. fails to explicitly disclose that each of the descrambling keys are used for a specific frame and that the auxiliary information includes information for identifying each frame.

However, Tehranchi teaches encrypting each frame with a specific key and including identifying information for identifying each frame (see column 5 lines 22-47 and figures 2 and 3).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the data portions portion of Tsukahara et al. to be frames and for each frame to

be encrypted by a key and including identifying information identifying the frame.

Motivation to do so would have been to synchronize the keys with the frames (see Tehranchi column 5 lines 8-12).

As per claims 16 and 18-21, the modified Tsukahara et al. and Tehranchi system discloses embedding the list of descrambling keys in one or a plurality of pieces of predetermined information and broadcasting this information as an ECM (see Tsukahara et al. column 6 lines 9-33).

#### ***Allowable Subject Matter***

6. Claims 1-14, 26, 27, 31, 32, and 35 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter: Applicant's arguments submitted 12/26/2007 are persuasive. Specifically, the prior art does not teach the specific reproduction mode which is a fast play mode in which only predetermined frames are extracted from less than all of the frames are descrambled and reproduced.

#### ***Response to Arguments***

8. Applicant's arguments filed 12/26/2007, with respect to the rejection of claims 1-14, 26, 27, 31, 32, and 35 have been fully

considered and are persuasive. The rejection of claims 1-14, 26, 27, 31, 32, and 35 has been withdrawn.

9. Applicant's arguments regarding claims 15-21, 28, 29, 33 and 34 filed 12/26/2007 have been fully considered but they are not persuasive. Applicant argues that Tuskahara in view of Tehranchi fails to disclose attaching means for attaching auxiliary information, which is used to generate a list of the descrambling keys, wherein the auxiliary information includes (a) information for identifying each of the frames and (b) each of the descrambling keys selected for the frame.

With respect to Applicant's argument that Tuskahara in view of Tehranchi fails to disclose attaching means for attaching auxiliary information, which is used to generate a list of the descrambling keys, wherein the auxiliary information includes (a) information for identifying each of the frames and (b) each of the descrambling keys selected for the frame, Tehranchi teaches this auxiliary information in figure 2. The frames have the frame numbers (i.e. 1a, 1b and 1c) and these frame numbers are used to determine the decryption key as shown in figure 3. Therefore, Tuskahara in view of Tehranchi teaches the attached auxiliary information.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOCHA whose telephone number is (571)272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2137